SCOTTISH STATUTORY INSTRUMENTS

2011 No. 139

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011

Made - - - - 21st February 2011
Laid before the Scottish
Parliament - 23rd February 2011
Coming into force 1st June 2011

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2011

PART 1

INTRODUCTORY

- 1. Citation and commencement
- 2. Interpretation
- 3. Prohibition on granting planning permission without consideration of environmental information
- Consideration of environmental information when determining an application for multi stage consent

PART 2

SCREENING

- 5. General provisions relating to screening
- 6. Requests for screening opinions of the planning authority
- 7. Requests for screening directions of the Scottish Ministers

PART 3

PROCEDURES CONCERNING APPLICATIONS FOR PLANNING PERMISSION

- 8. Application or request to review made to a planning authority without an environmental statement
- 9. EIA application made to a planning authority without an environmental statement

- Application or Appeal to the Scottish Ministers without an environmental statement
- 11. EIA application referred to the Scottish Ministers without an environmental statement
- 12. Appeal to the Scottish Ministers without an environmental statement
- 13. Review by the planning authority of an application without an environmental statement

PART 4

PREPARATION OF ENVIRONMENTAL STATEMENTS

- 14. Scoping opinions of the planning authority
- 15. Scoping directions of the Scottish Ministers
- 16. Procedure to facilitate preparation of environmental statements

PART 5

PUBLICITY AND PROCEDURES ON SUBMISSION OF ENVIRONMENTAL STATEMENTS

- 17. Notification of environmental statement
- 18. Publication of environmental statement
- 19. Consultation where environmental statement received by planning authority
- 20. Copies of environmental statement for the Scottish Ministers
- 21. Consultation where environmental statement received by the Scottish Ministers
- 22. Copies of environmental statement for the public

PART 6

ADDITIONAL INFORMATION

- 23. Additional information and evidence relating to environmental statements
- 24. Publication of additional information

PART 7

AVAILABILITY OF DIRECTIONS ETC. AND NOTIFICATION OF DECISIONS

- 25. Availability of opinions, directions etc. for inspection
- 26. Duties to inform the public and the Scottish Ministers of final decisions

PART 8

APPLICATIONS FOR MULTI-STAGE CONSENT

- 27. Requests for screening opinions and screening directions
- 28. Application for multi-stage consent without environmental statement
- 29. Application for multi-stage consent referred or appealed to the Scottish Ministers without an environmental statement
- 30. Modification of regulations relating to application for multi-stage consent
- 31. Application for multi-stage consent simplified planning scheme, enterprise zone scheme and ROMP condition

PART 9

SPECIAL CASES

32. Simplified planning zone schemes or enterprise zone orders

- 33. ROMP applications
- 34. Applications for permission under section 242A
- 35. Marine fish farming

PART 10

DEVELOPMENT WITH SIGNIFICANT TRANSBOUNDARY EFFECTS

- Development in Scotland likely to have significant effects in an EEA State other than the United Kingdom
- 37. Projects in another EEA State likely to have significant transboundary effects

PART 11

MISCELLANEOUS

- 38. Electronic communications – general
- 39. Electronic communications – deemed agreement
- 40. Withdrawal of consent to use of electronic communications
- 41. Service of notices etc.
- 42. Application to the Court of Session
- 43. Hazardous waste and material change of use
- 44. Extension of the period for an authority's decision on a planning application
- Directions as to whether development is EIA development 45.
- Access to review procedure before a court 46.
- 47. Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992
- 48. Amendment of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008
- 49. Revocation and savings Signature

SCHEDULE 1

DESCRIPTIONS OF DEVELOPMENT FOR THE PURPOSES OF THE DEFINITION OF "SCHEDULE 1 DEVELOPMENT"

Interpretation

Descriptions of development

SCHEDULE 2

DESCRIPTIONS OF DEVELOPMENT AND APPLICABLE THRESHOLDS AND CRITERIA FOR THE PURPOSES OF THE DEFINITION OF "SCHEDULE 2 DEVELOPMENT"

- In the table below— "area of the works" includes any...
- 2. The table below sets out the descriptions of development and...

SCHEDULE 3 SELECTION CRITERIA FOR SCREENING SCHEDULE 2 DEVELOPMENT

- 1. Characteristics of development
- Location of development 2.
- 3. Characteristics of the potential impact

SCHEDULE 4 INFORMATION FOR INCLUSION IN **ENVIRONMENTAL STATEMENTS** PART 1

Description of the development, including in particular—

Status: This is the original version (as it was originally made).

- 2. An outline of the main alternatives studied by the applicant...
- 3. A description of the aspects of the environment likely to...
- 4. A description of the likely significant effects of the development...
- 5. A description of the measures envisaged to prevent, reduce and...
- 6. A non-technical summary of the information provided under paragraphs 1 to 5...
- 7. An indication of any difficulties (technical deficiencies or lack of...

PART 2

- 1. A description of the development comprising information on the site,...
- 2. A description of the measures envisaged in order to avoid,...
- 3. The data required to identify and assess the main effects...
- 4. An outline of the main alternatives studied by the applicant...
- 5. A non-technical summary of the information provided under paragraphs 1 to 4...

SCHEDULE 5 FORM OF NOTICE UNDER REGULATION 17

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) SCOTLAND REGULATIONS 2011

NOTICE UNDER REGULATION 17

Explanatory Note